

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Re-Examine the
Underlying Issues Involved in the Submetering
Discount for Mobile Home Parks and to Stay
D.01-08-040.

Rulemaking 03-03-017
(Filed March 13, 2003)

Order Instituting Investigation on the
Commission's Own Motion to Re-Examine the
Underlying Issues Involved in the Submetering
Discount for Mobile Home Parks and to Stay
D.01-08-040.

Investigation 03-03-018
(Filed March 13, 2003)

**OPINION GRANTING INTERVENOR COMPENSATION
TO LATINO ISSUES FORUM FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 04-11-033**

This decision awards Latino Issues Forum (LIF) \$28,960.15 in compensation for its contribution to Decision (D.) 04-11-033. This represents a decrease of \$35,345 from the amount requested.

I. Background

A large number of mobilehome park (MHP) owners provide electricity and/or natural gas to their tenants through a master-meter.¹ In such cases, the MHP owner receives electricity and/or natural gas from the utility at a master-meter. The electricity and/or natural gas is then distributed to tenants through the MHP owner's distribution system, and a submeter located at each tenant's mobilehome. Each tenant is billed by the MHP owner for the usage recorded by the submeter.

Pub. Util. Code § 739.5 provides in pertinent part:²

“739.5. (a) The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park..., the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service. (b) Every master-meter customer of a gas or electrical corporation subject to subdivision (a) who, on or after January 1, 1978, receives any rebate from the corporation shall distribute to, or credit to the

¹ MHP owners, as the term is used herein, are also referred to as “master-meter customers.” A MHP served through a master-meter that serves tenants through submeters is referred to as a submetered MHP.

² All section references are to the Public Utilities Code, unless otherwise indicated.

account of, each current user served by the master-meter customer that portion of the rebate which the amount of gas or electricity, or both, consumed by the user during the last billing period bears to the total amount furnished by the corporation to the master-meter customer during that period.”

Section 739.5 requires MHP owners to charge the same rates for electricity and natural gas that would be applicable if the utility served the tenant directly. The utilities are required to provide the electricity and natural gas to the MHP owner at a discount. The discount is intended to reimburse the MHP owner for the reasonable average cost of providing submetered service. The discount is not to exceed the average cost that the utility would have incurred in providing comparable services to the tenant directly, which is avoided when the MHP is submetered.

In Rulemaking (R.) 03-03-017 and Investigation (I.) 03-03-018, the Commission initially planned to answer the following questions:

1. What are the components of the cost to a utility of directly serving MHP tenants, not already identified in D.95-02-090 and D.95-08-056, and which of them does a utility avoid if a MHP submeters its tenants?
2. Can the Commission set a uniform statewide rate structure and method to calculate the discount, and if so what cost figures or other issues of fact in dispute can parties present to resolve them?
3. Should the Commission revise the refunds ordered in D.01-08-040, in Case (C.) 00-01-017?
4. What mechanism should be implemented to ensure refunds, ordered in D.01-08-040, are appropriately made to MHP tenants?
5. Should the Commission explore beyond the conclusions reached in D.95-08-056 a fair and reasonable way to mitigate

the cost to MHP owners of converting existing submetered systems to directly-metered service?

6. Should the Commission revise the methods and formulas by which refunds are currently paid to tenants by MHP owners?

The first question was addressed in interim D.04-04-043, in Phase 1 of this proceeding. The third and fourth questions were addressed and separated from this proceeding by D.04-06-007 which closed C.00-01-017.

In D.04-11-033, the remaining questions (#s 2,5, and 6) were rewritten and organized as follows:

1. Should the Commission adopt a uniform statewide rate structure for the discount?
2. Should the Commission adopt a uniform statewide method to calculate the discount?
3. Are there fair and reasonable ways to mitigate the cost to MHP owners of converting existing submetered systems to directly-metered service?
4. Should the Commission revise the methods and formulas by which refunds are currently paid to submetered tenants by MHP owners?
5. Are there requirements that should be placed on MHP owners to ensure that the discounts are used to pay for the intended expenditures, to facilitate gathering data to be used in determining the MHP owners' costs in setting the discount rate, or for some other purposes?

Interim D.04-04-043 adopted the unopposed joint recommendation of seven of the parties. The joint recommendation identified the categories of costs the electric and natural gas utilities incur when directly serving MHP tenants that are avoided by the utilities when the MHP is served through a distribution system owned by the MHP owner. These categories of costs are to be used in

determining the amount of the discount provided by the utility to the submetered MHP owner as reimbursement for the cost of providing submetered service. The joint recommendation also identified categories of costs that are either not incurred by the utility when it directly serves MHP tenants, or are not reflected in utility rates for direct service. However, these costs are incurred by submetered MHP owners and may be separately charged to tenants if not otherwise prohibited. LIF was not one of the parties proposing the settlement and does not claim that it made a contribution to D.04-04-043.

D.04-11-033 was the final decision in this proceeding. It adopted the following requirements, and closed the proceeding.

1. The discount shall be set at the average cost that the utility would have incurred in providing comparable services to the tenant directly, which is avoided when the MHP is submetered.
2. The discount shall be determined in a general rate case, biennial cost allocation proceeding, or similar proceeding where the utility's revenue requirement and rates are set (revenue requirement proceeding). Between such proceedings, the utilities shall include a proposed revision to the discount in any utility filing proposing a revision to residential rates if the change in residential rates, or the data upon which the residential rate change is based, is sufficient to change the discount.
3. Any proposed settlement or stipulation in a revenue requirement proceeding, if the settlement or stipulation includes the discount, shall specify whether and how the discount is to be adjusted between such proceedings.
4. If the calculation of the discount and how the discount is to be adjusted between such proceedings is not specified in an adopted settlement or stipulation that includes the discount, the discount shall not be revised until the next such proceeding.

5. In any proceeding where the parties propose a settlement or stipulation that includes the discount, they shall specifically demonstrate that the proposed discount complies with § 739.5.
6. The discount shall be set as an amount per space per day.
7. The discount shall be calculated using a sampling method based on a statistically valid random sample, or using a marginal cost method. The specifics of any sampling or marginal cost method shall be addressed in the revenue requirement proceeding where the discount is set.
8. Refunds shall be distributed to tenants pursuant to § 739.5(b), except that when the refunds by the utility are on a per-meter basis, the refunds to the tenants shall be on a per-submeter basis.
9. Whenever a utility issues a refund to MHP owners through a reduction in the utility bill that should be distributed to tenants, the utilities shall: (1) identify the refund amount on the bill, and (2) explain how tenant refunds are to be calculated. If refunds are issued to MHP owners other than through the bill, the utilities shall identify the refund as such, and explain how to calculate tenant refunds.
10. For special programs for which the above tenant refund distribution methodology would not be appropriate, the tenant refund distribution methodology shall be addressed in the proceeding in which the special program is authorized.
11. When a tenant of a submetered MHP contacts a utility concerning the bill provided to the tenant by the MHP owner for electricity and/or natural gas, the utility shall at a minimum offer to provide information on how it calculates its bills, since the MHP owner is required to calculate tenant bills in the same manner, and on eligibility for programs for which the tenant may be eligible such as the California Alternate Rates for Energy (CARE) program. The utility shall also refer the tenant to the Commission's Consumer Affairs Branch, for resolution of complaints.
12. In their next revenue requirement proceedings, the utilities shall provide an analysis of the costs, benefits, and feasibility of providing bill calculation services to MHP owners. The utilities shall also provide

examples of the appropriate tariff language, and an estimate of the rates necessary to recover the full costs of such services from the MHP owners.

13. The motion, filed by the active parties on January 16, 2004, to establish a new proceeding to consider the issue of whether there are fair and reasonable ways to mitigate the cost to MHP owners of converting existing submetered systems to directly-metered service, is denied.

II. Requirements for Awards of Compensation

The intervenor compensation program, enacted by the Legislature in §§ 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (or in special circumstances, at other appropriate times that we specify). (§ 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
3. The intervenor should file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (§§ 1802(g), 1804(b)(1).)

5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by a Commission order or decision. (§§ 1802(i), 1803(a).)
6. The claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services. (§ 1806.)

III. Timing Requirements

The prehearing conference in this matter was held on April 15, 2003. LIF filed its timely NOI on May 15, 2003. In its NOI, it did not address financial hardship. On June 10, 2003, Administrative Law Judge (ALJ) O'Donnell ruled that LIF is a customer under the Public Utilities Code. LIF filed its request for compensation on January 24, 2005, within the required 60 days of D.04-11-033.³ Therefore, LIF has satisfied the timing requirements to make its request for compensation.

IV. LIF's Status as a Customer

Based in LIF's representation in its NOI that it represents low-income customers, language-minority customers, and customers who are members of other vulnerable communities, the ALJ ruled that it qualified as a customer for the purposes of intervenor compensation. LIF's actual focus was primarily on tenants of submetered MHPs. Such tenants are not utility customers, which puts into question whether LIF qualifies as a customer in this proceeding. Programs

³ Pacific Gas and Electric Company filed a response to the request stating that the Commission should carefully consider LIF's request in light of the characterizations of LIF's recommendations, and their disposition in D.04-11-033.

such as California Alternative Rates for Energy (CARE) are funded by utility customers. Therefore, utility customers have an interest in ensuring that all those eligible for such programs, including submetered MHP tenants, receive CARE benefits if they are eligible. If submetered MHP owners miscalculate bills or refunds to their tenants, they effectively alter the discount they receive. Since having the discount properly set is in the utility customers' interest, ensuring that the submetered MHP owners properly calculate bills and refunds to their tenants is in the customer's interest. As a result, even though LIF was focusing primarily on tenants who are not customers, the recommendations it made affect the utility customers it represents. Therefore, we find that it was representing the interests of utility customers in this proceeding.

V. Financial Hardship

An intervenor seeking compensation must show that, without undue hardship, it cannot pay the reasonable costs of effective participation in the proceeding. The statute sets forth three categories of intervenor for purposes of analyzing financial hardship. A participant representing consumers (Category 1) or a representative authorized by a customer (Category 2) must disclose their finances to the Commission, under appropriate protective order to make this showing. In the case of groups or organizations (Category 3), significant financial hardship is demonstrated by showing that the economic interest of individual members is small compared to the overall costs of effective participation. (Pub. Util. Code § 1802(g).) Such a finding is normally made in the ALJ's preliminary ruling on whether the customer will be eligible for compensation (§ 1804(b)).

LIF qualifies under Category 3. LIF states that it represents the interests of low-income customers, language-minority customers, and other vulnerable

communities. It further states that the consumer protections it advocated in this proceeding are significant to those it represents, but that the savings to individuals are small in compared to the costs of participation. We agree that the costs of participation exceed the benefits that may be received by the utility customers LIF represents.

VI. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding we look at several things. First, did the ALJ or Commission adopt one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer? (See § 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, did the customer's participation materially supplement, complement, or contribute to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision? (See §§ 1802(i) and 1802.5.) As described in § 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.⁴

Should the Commission not adopt any of the customer's recommendations, compensation may be awarded if, in the judgment of the

Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the claimed contributions LIF made to the proceeding.

VII. LIF's Evidence in the Record

In this proceeding, LIF offered only the direct and rebuttal testimony of Luis Arteaga. The direct testimony offered no recommendations, but stated the following conclusions:

1. The utilities do not have information about which submetered MHP owners refuse to give CARE discounts to eligible tenants.
2. The utilities do not keep records of complaints or of MHP residents.
3. The utilities do not have information about CARE-eligible tenants of submetered MHPs whose CARE discount may not be passed on, since the utilities do not consider such tenants the customer of record.
4. WMA does not maintain information about CARE-eligible MHP residents enrolled in CARE, and does not collect information about CARE-related complaints.
5. WMA does not appear to be in compliance with the notification requirements of §798.43.1 of the Civil Code in terms of ensuring that MHP owners give written annual notice to MHP residents and homeowners about CARE.

⁴ D.98-04-059, 79 CPUC2d, 628 at 653.

LIF's rebuttal testimony stated that the Commission is responsible for ensuring that all customers who are eligible for CARE, and wish to do so, are enrolled. It also represented, based on WMA's testimony, that many submetered MHP owners are confused about how to calculate the CARE discount, are indifferent to the Commission's requirements, or are unaware of them. It then made the following recommendations:

1. The Utility Reform Network's (TURN) recommendation that the Commission should improve its monitoring and enforcement regarding utility rebates and discounts should be adopted.
2. TURN's suggestion that there should be a process of spot checking submetered MHP owners' compliance with § 739.5(b), that specifies the calculation of tenant rebates, should be adopted.
3. The utilities should be required to track, report, and resolve submetered MHP tenant complaints.
4. WMA's recommendation that utilities should be responsible for metering and billing submetered MHP tenants should be adopted.
5. The Commission should mail official notices to submetered MHP owners reminding them of their legal obligations and putting them on notice that the Commission takes such matters seriously.

LIF's testimony addressed the above recommendations.

VIII. LIF's Recommendations in its Briefs

In its briefs, LIF made seven recommendations. Only three of the recommendations made contributions, as we discuss below.

LIF's first two recommendations were that the Commission should:

- (1) send quarterly notices to MHP owners reminding them of their

responsibilities with respect to discounts and refunds, including the CARE program, and requiring them to inform tenants about discounts and eligibility criteria, and (2) make periodic random visits to master-metered MHPs to determine the owners' compliance. The Commission determined that these recommendations were beyond the scope of this proceeding, and did not address them.⁵ Therefore, these recommendations did not contribute to the decision.

LIF's third recommendation was that the Commission should require the utilities to assist tenants regarding related questions and complaints. The Commission found that the utilities have no information on MHP tenants who are not utility customers, and that when contacted by a submetered MHP tenant, especially with regard to billing, there is very little information they can provide. The Commission also determined that the utility has no authority to resolve a dispute between a MHP owner and tenant. The Commission stated that it would expect the utility to provide information on how it calculates its bills, since the MHP owner is required to calculate tenant bills in the same manner, and on eligibility for programs such as CARE, and that such information should be provided as a matter of course. The Commission also stated that other than providing the above information, the utility should refer such tenant inquiries to the Commission's Consumer Affairs Branch, as is current procedure. Therefore, we find that the Commission did act on this recommendation to a limited degree, and that LIF made a contribution regarding this recommendation.

⁵ The decision stated that, "by this decision, the Commission's management is made aware of these recommendations." This statement means that the discussion of LIF's recommendations in the decision informs the Commission's management of them. It does not constitute endorsement or adoption of the recommendations.

LIF's fourth recommendation was that the Commission encourage WMA to frequently provide its members with current information regarding discounts and refunds. The Commission did this. We note that WMA is not a utility, a MHP owner subject to the Commission's jurisdiction, or the subject of these proceedings. However, we do find that LIF provided a contribution regarding this recommendation.

LIF's fifth recommendation was that the Commission adopt WMA's recommendation to require the utilities to perform meter reading and billing. The Commission found this would violate § 739.5 and did not adopt it. However, the Commission required the utilities to provide an analysis of providing bill calculation services (doing bill calculations for the submetered MHP owner based on information provided by the owner) in their next revenue requirement proceedings. This is a far different activity than being responsible for meter reading and billing. However, we did impose a requirement on the utilities that was generally related to WMA's recommendation and LIF supported WMA's recommendation at length. Therefore, we find that LIF did make a limited contribution regarding this recommendation.

LIF's sixth recommendation was for the Commission to adopt TURN's recommendation that utilities be required to modify their master meter tariffs to include language that explains how rebates are to be calculated, that the tenant can file a complaint under certain circumstances, and that the submetered MHP owner can be penalized by the Commission for failure to distribute a rebate. The Commission determined that it would be more useful, when a refund is issued, for the utility to provide the MHP owner with an explanation of how tenant refunds are to be calculated, and imposed that requirement on the utilities. Regarding other proposed modifications to the utilities' tariffs, the Commission

determined that they are best raised by the parties in the utilities' revenue requirement proceedings where the merits of specific tariff language appropriate to each utility can be considered. However, the Commission did impose a requirement on the utilities that was generally related to TURN's recommendation. LIF addressed this recommendation only in two sentences in its reply brief, which were merely an indication of its support for TURN's recommendation. A mere indication of support for the recommendation of another party does not supplement, complement, or contribute to the presentation of the other party. (See § 1802.5.) Therefore, we find that LIF did not contribute to our decision regarding this recommendation.

LIF's seventh recommendation was that the Commission adopt TURN's concept of an escrow account, and use it to ensure that correct CARE and other discounts are applied. This recommendation is found in only one sentence of LIF's reply brief. There is nothing in the record, and LIF offered no explanation, of how an escrow account would be used to ensure that correct CARE and other discounts are applied. D.04-11-033 did not specifically address this issue. Making a recommendation that is not explained or supported does not comply with § 1802.5 and does not constitute a substantial contribution by way of developing the record.

TURN's recommendation was to ensure that the master-meter discount provided to the submetered MHP owners was used by the owners to maintain their submetered systems. TURN's recommendation had nothing to do with discounts provided to tenants, such as CARE, and was not adopted. An indication of support for the recommendation of another party that does not contribute to the presentation of the other party, or to the development of a fuller

record, does not constitute a substantial contribution. Therefore, LIF did not make a contribution regarding its seventh recommendation.

IX. Substantial Contribution Conclusion

Only LIF's fourth recommendation was adopted. LIF's third and fifth recommendations were not adopted, but LIF did contribute to the Commission's decision as discussed above. For these reasons, we find that LIF made a substantial contribution to D.04-11-033 in connection with three of its seven recommendations. We will now look at whether the compensation requested is reasonable.

X. Reasonableness of Requested Compensation

LIF requests \$64,305.15 for its participation in this proceeding, as follows:

Attorney Costs

Attorney	Hours	Rate	Year	Amount
Susan Brown	135.25	\$390.00	(2004)	\$52,747.50
Enrique Gallardo	21.50	\$275.00	(2004)	\$ 5,912.50
Enrique Gallardo	8.00	\$285.00	(2005)	\$ 2,280.00
Subtotal				\$60,940.00

Expert Witness Cost

Expert Witness	Hours	Rate	Year	Amount
Luis Arteaga	8.75	\$340.00	(2004)	\$2,975.00
Subtotal				\$2,975.00

Itemized Direct Expenses

Expense	Amount
Copying expenses	\$ 55.34
Postage	\$289.81
Supplies	\$ 45.00
Subtotal	\$390.15

TOTAL = \$64,305.15

The components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. Thus, only those fees and costs associated with the customer's work that the Commission concludes made a substantial contribution are reasonable and eligible for compensation.

LIF did not allocate its expenditures to the recommendations it made. Therefore, we will calculate the award based on the seven recommendations it made, and attribute one seventh of the expenditures to each of the seven recommendations. Since we have found that LIF made a contribution in connection with three of its seven recommendations, we will award three sevenths of its expenditures for its contribution to the decision.

In determining compensation, we must also take into consideration the market rates for similar services from comparably qualified persons. LIF seeks an hourly rate of \$390 for work performed by Susan Brown in 2004. In D.04-10-32 Commission approved this rate for work performed by Brown in 2004, and we find this rate reasonable.

LIF seeks an hourly rate of \$275 for work performed by Enrique Gallardo in 2004. In D.04-10-032 Commission approved this rate for work performed by Gallardo in 2004, and we find this rate reasonable. For 2005, LIF seeks an hourly rate for Gallardo of \$285 based on one additional year of experience from the 2004 rate. Gallardo spent a small amount of time in January 2005 preparing the request for compensation.⁶ Therefore, we will use the 2004 rate for his work in 2005 in this proceeding. We do not intend that this rate should necessarily be used for other work he may do in 2005.

LIF seeks an hourly rate of \$340 for work performed by Luis Arteaga in 2004 based on the 2001 rate of \$310 set in D.03-10-062, and three additional years of experience. In D.03-10-062, the Commission established a rate of \$310 for

⁶ We note that LIF claimed half of the hours spent on preparing the compensation request, rather than claiming the full amount of hours at half the rate. It followed the same methodology regarding travel time.

Arteaga and John Gamboa. In D.04-10-033, the Commission approved rates for Gamboa of \$320 for 2002 and \$330 for 2003. Since we would expect Arteaga and Gamboa to be authorized the same rate, and the requested increase is a little over three percent per year, we find that a rate of \$340 for Arteaga is reasonable for 2004.

The itemized direct expenses submitted by LIF include costs for copying, postage, and supplies and total \$390.15. This includes \$45.00 for unspecified supplies, which we decline to authorize. Therefore, we reduce the requested amount to \$345.15.

Finally, to assist us in determining the reasonableness of the requested compensation, D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the benefits realized through their participation. This showing assists us in determining the overall reasonableness of the request. However, LIF did not address this requirement in its request.

In an investigation and rulemaking such as this one, where matters of policy are at issue and rates or revenue requirements are not set, productivity is not easily quantified. In such cases, where a dollar value cannot be assigned, we apply qualitative standards such as the breadth of the proceeding, the significance of the policies, and the impact the intervenor had on the outcome. In this case, LIF did not address the qualitative aspects of its participation, and offered no explanation of its productivity. However, we believe that ratepayers will benefit from the three elements in D.04-11-033 to which LIF contributed. Those elements are: (1) utility provision to tenants of information on how utility bills are calculated and on eligibility for programs such as CARE, (2) our

encouraging of WMA to provide its members with information on discounts and refunds, and (3) the consideration of utility provision of bill calculation services in future revenue requirement proceedings. In view of these contributions, LIF's award will not be decreased due to the unquantifiable nature of the benefits. However, we also remind LIF that it is required to address productivity in its requests for intervenor compensation.

XI. Award

We award LIF three sevenths of its adjusted request, shown below, or \$28,960.15.⁷

Attorney Costs

Attorney	Hours	Rate	Year	Amount
Susan Brown	135.25	\$390.00	(2004)	\$52,747.50
Enrique Gallardo	21.50	\$275.00	(2004)	\$ 5,912.50
Enrique Gallardo	8.00	\$275.00	(2005)	\$ 2,200.00
Subtotal				\$60,860.00

Expert Witness Costs

Expert Witness	Hours	Rate	Year	Amount
Luis Arteaga	8.75	\$340.00	(2004)	\$2,975.00
Subtotal				\$2,975.00

Itemized Direct Expenses

Expense	Amount
Copying expenses	\$ 55.34

⁷ Costs for preparation of the request, and itemized direct expenses are awarded at the full adjusted value.

Postage	\$289.81
Subtotal	\$345.15

TOTAL = \$64,180.15

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing the 75th day after LIF filed its compensation request and continuing until full payment of the award is made. We direct Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company to allocate payment responsibility among themselves based upon their California-jurisdictional gas and electric revenues for the 2004 calendar year, to reflect the year in which most of the work done by LIF was performed.

We remind all intervenors that Commission staff may audit their records related to this award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. LIF's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

XII. Waiver of Comment Period

Pursuant to Rule 77.7(f)(6) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

XIII. Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Jeffrey P. O'Donnell is the assigned ALJ in proceedings R.03-03-017 and I.03-03-018.

Findings of Fact

1. LIF made a substantial contribution to D.04-11-033 as described herein.
2. LIF's requested hourly rates for attorneys and experts, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.
3. LIF's requested itemized direct expenses, as adjusted herein, are reasonable.
4. The total of the reasonable compensation is \$28,960.15.

Conclusions of Law

1. LIF has fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation, as adjusted herein, incurred in making substantial contributions to D.04-11-033.
2. LIF should be awarded \$28,960.15 for its contribution to D.04-11-033.
3. Per Rule 77.7(f)(6), the comment period for this compensation decision may be waived.
4. This order should be effective today so that LIF may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. Latino Issues Forum (LIF) is awarded \$28,960.15 as compensation for its substantial contribution to Decision 04-11-033.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company shall be required to pay

their shares of this award. They shall allocate payment responsibility among themselves based upon their California-jurisdictional gas and electric revenues for 2004, the calendar year in which most of LIF's work was done.

3. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning on the 75th day after the January 4, 2005 filing date of LIF's request for compensation, and continuing until full payment is made.

4. These proceedings are closed.

This order is effective today.

Dated _____, at San Francisco, California.

Compensation Decision Summary Information

Compensation Decision:	D	Modifies Decision? N/A
Contribution Decision(s):	D0411033	
Proceeding(s):	R0303017, I.0303018	
Author:	ALJ O'Donnell	
Payer(s):	PG&E, EDISON, SDG&E, SOCALGAS	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
LIF	1/24/05	\$64,305.15	\$28,960.15	No	Lack of substantial contribution, reduced hourly rate, disallowed unspecified expense.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Susan	Brown	Atty	LIF	\$390	2004	\$390
Enrique	Gallardo	Atty	LIF	\$275	2004	\$275
Enrique	Gallardo	Atty	LIF	\$275	2005	\$275
Luis	Arteaga	Expert	LIF	\$340	2004	\$340